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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,699	12/01/2000	Alan J Holloway	108036	7228

25944 7590 12/03/2002

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EXAMINER

PYO, KEVIN K

ART UNIT	PAPER NUMBER
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2878

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/701,699

Applicant(s)

HOLLOWAY ET AL.

Examiner

Kevin Pyo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5 and 15-18 is/are allowed.
- 6) ☒ Claim(s) 6-10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification does not provide proper antecedent basis for the limitation claims 7 and 15 (i.e. "the detector detects *a direction* of the lateral displacement of the returned beam, thereby producing a signal indicative of the direction of the lateral displacement of the stylus tip").

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6, 7, 10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ricklefs.

Regarding claim 6, Ricklefs shows in Figs. 1 and 4 the following elements of applicant's invention: a stylus (3) having a workpiece-contacting tip (2) and an optical transducer system, said optical transducer system comprising a light source (8) for producing a beam of light directed internally of the stylus towards the tip of the stylus, an optical component (2b) mounted adjacent the tip of the stylus to return the beam, wherein lateral displacement of the stylus tip causes a corresponding lateral displacement of the returned beam and a detector (9, 13a, 13b) positioned relative to the returned beam to receive the beam and detect an amount of lateral

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displacement thereof, thereby producing a signal indicative of the amount of lateral displacement of the stylus tip (col.5, lines 55-66).

Regarding claim 7, the recited direction can be measured by the detectors (13a, 13b).

Regarding claim 10, Ricklefs shows in Fig.4 the light source (8) and the detector (13a, 13b) are mounted to fixed structure to which the stylus is connected.

Regarding claim 12, Ricklefs discloses a stylus assembly comprises a relatively stiff stylus carrier (4) and a relatively flexible stylus (3).

Regarding claim 13, the limitation therein is shown in Fig.3.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ricklef.

Regarding claims 8, 9 and 14, Ricklefs shows in Fig.4 the detector (13a) is positioned at the end of the stylus remote from the workpiece-contacting tip (2). It would have been obvious to one of ordinary skill in the art to provide a focusing element in front of the detector (13a) in view of the desire to increase the signal to noise ratio.

*Allowable Subject Matter*

6. Claims 2-5, and 15-18 are allowed.

7. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to disclose or make obvious a surface sensing device for use in position determining apparatus comprising, in addition to the other recited features of the claim, an optical component is a retro-reflecting device which is substantially insensitive to tilting of the stylus tip.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Pyo whose telephone number is 703-308-4841. The examiner can normally be reached on Mon-Fri (with flexible hour), First Mon. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 703-308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Kevin Pyo  
Primary Examiner  
Art Unit 2878

pkk  
December 2, 2002